

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10 LUIS R. TOLENTO,)
11 Plaintiff,) No. CV-08-3066-JPH
12 v.) ORDER GRANTING STIPULATED
13 MICHAEL J. ASTRUE,) MOTION FOR ORDER TO REMAND
14 Commissioner of Social)
Security,)
15 Defendant.)

)

16 The parties have filed a stipulated motion for remand of this
17 case to the Commissioner for further administrative proceedings
18 (**Ct. Rec. 21**). The parties have filed a consent to proceed before
19 a magistrate judge. (Ct. Rec. 7).

20 After considering the stipulated motion, **IT IS ORDERED** that
21 the motion is **GRANTED**. The above-captioned case is reversed and
22 remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon
23 remand, the Administrative Law Judge (ALJ) will further develop
24 the record; reconsider the treating and examining source opinions,
25 including the January 3, 2008, opinion of Dr. Walsh (Tr. 457);
26 make a de novo disability determination, and issue a new decision.
27 On remand, plaintiff will have the opportunity to provide
28 ORDER GRANTING STIPULATED MOTION
FOR ORDER TO REMAND - 1

1 additional evidence and testimony. The parties agree because this
2 is a sentence four remand, reasonable attorney fees and costs
3 should be awarded upon proper application to this Court pursuant
4 to the Equal Access to Justice Act, 28 U.S.C. § 2412.

5 Accordingly, this Court **reverses** the Commissioner's decision.

6 **IT IS FURTHER ORDERED:**

7 1. The parties' stipulated motion (**Ct. Rec. 21**) for an
8 order of remand is **GRANTED**.

9 2. Judgment shall be entered for the **PLAINTIFF**.

10 3. An application for attorney fees and costs may be
11 filed by separate motion.

12 4. The District Court Executive is directed to enter
13 this Order, forward copies to counsel, and **close** this file.

14 **IT IS SO ORDERED.**

15 **DATED** this 1st day of December, 2009.

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17 *s/James P. Hutton*
JAMES P. HUTTON
18 UNITED STATES MAGISTRATE JUDGE
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